



Crl.O.P.No.28982 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.28982 of 2022

Abdul Roab

... Petitioner

Vs.

State represented by,
The Inspector of Police,
N1, Royapuram Police Station,
Chennai.
Crime No.1033 of 2014
(Split in S.C.No.89 of 2015)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the S.C.No.61 of
2020 on the file of the learned III Additional Judge, City Civil Court,
Chennai.

For Petitioner : Ms.R.Saritha

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.61 of 2020, on the file of the learned III Additional Judge, City Civil Court, Chennai, in connection with the Crime No.1033 of 2014, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused (A3) originally facing trial in S.C.No.89 of 2015 for the alleged offence under Sections 147, 148, 294(b), 326, 307 and 506(ii) IPC, pending on the file of the learned III Additional Judge, City Civil Court, Chennai. She further submitted that due to illness, the petitioner was unable to appear before the Court, thereby, the case has been split up as against the petitioner in S.C.No.61 of 2020 before the learned III Additional Judge, City Civil Court, Chennai and a Non Bailable Warrant was also issued against him. She further submitted that pursuant to the Non Bailable Warrant, the petitioner was arrested on 12.09.2022 and he is in custody for more than two



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months. She also submitted that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish adequate sureties and also ready to co-operate for speedy disposal of the trial. Therefore, she prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was originally facing trial in S.C.No.89 of 2015 and since the petitioner did not appear before the court for a long time, the case has been split up as against the petitioner in S.C.No.61 of 2020 before the learned III Additional Judge, City Civil Court, Chennai. He further submitted that since the petitioner failed to appear before the Court, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 12.09.2022. He further submitted that there are 12 witnesses in this case and the case now stands posted for examination of witnesses. Hence, he opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on



5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned III Additional Judge, City Civil Court, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned III Additional Judge, City Civil Court,



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Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner after coming out of bail shall file an Affidavit of Undertaking that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The III Additional Judge,
City Civil Court,
Chennai.
2. The Inspector of Police,
N1, Royapuram Police Station,
Chennai.
3. The Central Prison,
Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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